



Paper No. 6

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CHARLOTTE NC 28280-4000

COPY MAILED**MAY 03 2002****OFFICE OF PETITIONS**

In re Application of
Richard Raymond May
Application No. 09/879,372
Filed: June 11, 2001
Attorney Docket No. 38866/235737
Title: SYSTEMS AND METHODS FOR
REVERSE AUCTION OF FINANCIAL
INSTRUMENTS

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)
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This is in response to the "Statement of Facts in Support of Filing on Behalf on Nonsigning Inventors (37 CFR 1.47)", filed February 1, 2002, which is being treated as a petition under 37 CFR 1.47(b).

The petition under 37 CFR 1.47(b) is GRANTED.

The above-identified application was filed on June 11, 2001. On August 15, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee) and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a three-month extension of time and included a Certificate of Mailing dated January 15, 2002.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that all of the inventors cannot be reached or refuse to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage; (4) the petition fee; (4) a statement of the last known address of the non-signing inventor; and (5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.

On petition, Attorney William R. Silverio has included a statement of facts from Chip Biggers, Vice President of Business Development and General Legal Counsel for Blackbird Holdings,

Inc. Biggers detailed how on two occasions the application papers were sent to the last known address of inventor May for his review and signature. However, according to Biggers, no response from May has been received.

The petition and the declaration filed on February 1, 2002 have been reviewed and found to be in compliance with 37 CFR 1.47(b).

This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee of \$130 has been charged to Deposit Account No. 16-0605, as authorized.

The application file is being forwarded to Technology Center 2100 for examination.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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MAY 03 2002

OFFICE OF PETITIONS

In re Application of :
Richard Raymond Ray :
Application No. 09/879,372 :
Filed: June 11, 2001 : LETTER
Title: SYSTEMS AND METHODS FOR :
REVERSE AUCTION OF FINANCIAL :
INSTRUMENTS :

Dear Mr. Ray:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (703) 305-0272. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

for D Wood
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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